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**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF THE STATE OF WASHINGTON**

6 SCOTT ICEBERG,  
7 Plaintiff,  
8 v.  
9 BROOKSTONE LANDSCAPE & DESIGN,  
10 LLC,  
11 Defendant,  
12 and  
13 TIMOTHY HAWKINS,  
14 Defendant.

**CASE NO.**  
**(Related Case No. 23-2-08381-31)**

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 USC § 1331  
AND 1446**

**(FEDERAL QUESTION)**

Pursuant to 28 USC §1331 and 1446(b), Brookstone Landscape & Design, LLC and  
17 Timothy Hawkins (hereinafter collectively referred to as “Defendants”), by and through  
18 attorneys Krishna Balasubramani of SBH Legal and Michael K. Rhodes of Mix Sanders  
19 Thompson, PLLC, hereby give notice of removal of the action entitled *Scott Iceberg v.*  
20 *Brookstone Landscape & Design, LLC and Timothy Hawkins*, Snohomish County Superior  
21 Circuit Court Case No. 23-2-08381-31 to the United States District Court for the Western  
22 District of the State of Washington.

**SBH LEGAL**  
1200 SW MAIN STREET  
PORTLAND, OR 97205-2040  
PHONE: 503.225.5858 • FAX: 503.721.9272  
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1           1. On November 15, 2023, Scott Iceberg (hereinafter referred to as "Plaintiff")  
2 filed a complaint against Defendants in which he alleged a violation of the Americans with  
3 Disabilities Act 42 USC §12182, 29 USC §794, RCW 49.60, and RCW 7.48.130.

4           2. Defendants were served with the original Complaint and Summons on  
5 November 10, 2023. This Notice of Removal is filed within thirty (30) days of the date of  
6 service. Pursuant to 28 USC §1446, a copy of all process, pleadings and orders served on  
7 Defendants are attached as Exhibit A. Defendants have taken no action in the Snohomish  
8 County Superior Circuit Court that would prejudice their right to removal.

9           3. Pursuant to section 2, paragraph 6 of Plaintiff's complaint, Plaintiff is a citizen  
10 of the State of Washington.

11          4. Pursuant to section 2, paragraph 7 of Plaintiff's complaint, Defendant Tim  
12 Hawkins is the owner and registered agent of Brookstone Landscape & Design, LLC.

13          5. Pursuant to section 2, paragraph 8 of Plaintiff's complaint, Defendant  
14 Brookstone Landscape & Design, LLC is incorporated and has its principal place of  
15 business in the State of Washington.

16          6. This action is one over which the Court has original jurisdiction under 28 USC  
17 §1331, in that it is a civil action in which, according to complaint paragraphs 4 and 5,  
18 Plaintiff's allegations involve questions of federal law.

19          7. Plaintiff alleges that Defendants violated the Americans with Disabilities Act 42  
20 USC §12182: Prohibition of discrimination by public accommodations by discriminating  
21 against Plaintiff on the basis of his disabilities in the full and equal enjoyment of a facility,  
22 Plaintiff's apartment.

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1           8. Plaintiff also alleges that Defendants violated 29 USC §794: Nondiscrimination  
2 under Federal grants and programs by subjecting Plaintiff to discrimination by failing to  
3 provide him with accommodations based on his disability.

4           9. This action may be removed to this Court by Defendants pursuant to the  
5 provisions of 28 USC §1331, and according to the procedure in 28 USC §1446.

6           10. Promptly after filing this Notice of Removal, Defendants will serve a true and  
7 correct copy upon Plaintiff and will file a true and correct copy with the Clerk of the Court.

8           WHEREFORE, Defendants give notice of the removal of the above-entitled action now  
9 pending in the Superior Circuit Court Snohomish County, State of Washington, to the United  
10 States District Court for the Western District of the State of Washington.

11           DATED this 6<sup>th</sup> day of December, 2023.  
12

13 SBH Legal

14 By: Krishna Balasubramani  
15 Krishna Balasubramani, WSBA No.  
33918  
16 SBH Legal  
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*Of Attorneys for Defendants*  
18  
19

Mix Sanders Thompson PLLC

20  
21 By: /s/ Michael K. Rhodes  
22 Michael K. Rhodes, WSBA No. 41911  
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24 Fax: 888-521-5980  
*Of Attorneys for Defendants*  
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## **CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on the 6<sup>th</sup> day of December, 2023, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using CM/ECF system which will send notification of such filing to the persons listed below:

Scott Iceberg  
Plaintiff  
4008 133<sup>rd</sup> Street SE, Apt. 520  
Mill Creek, WA 98012  
Tel: (425) 480-9103  
E-mail: [scotticeberg@yahoo.com](mailto:scotticeberg@yahoo.com)

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